

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

INDICTMENT CR13-71 RHK/LIB

(16 U.S.C. § 3372(a)(1))

(16 U.S.C. § 3373(d)(1))

Plaintiff,

v.

1. LARRY W. BELLEFY,
2. THOMAS P. SUMNER, and
3. BRIAN W. HOLTHUSEN,

Defendants.

THE UNITED STATES GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

1. Red Lake is a body of water located within the boundaries of the Red Lake Indian Reservation in the State and District of Minnesota.
2. The Red Lake Fisheries Association is a corporation organized and incorporated under the laws of Minnesota.
3. The United States Code of Federal Regulations, Title 25, Sections 242.2 and 242.4, prohibits commercial fishing in the waters of the Red Lakes on the Red Lake Indian Reservation except by the Red Lake Fisheries Association, which must fish in accordance with the Code of Federal Regulations.
4. The Lacey Act makes it unlawful for any person to import, export, transport,



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RICHARD D. SLETTEN, CLERK
JUDGMENT ENTD _____
DEPUTY CLERK _____

U.S. v. Larry W. Bellefy, et al.

sell, receive, acquire, or purchase any fish and wildlife taken, possessed, transported, or sold in violation of any law or regulation of the United States. 16 U.S.C. § 3372(a)(1).

5. Defendant LARRY W. BELLEFY ("BELLEFY") owns a bar in Bagely, Minnesota.

6. Between July, 2009 and July, 2011, Defendants THOMAS P. SUMNER ("SUMNER") and BRIAN W. HOLTHUSEN ("HOLTHUSEN") took fish from Red Lake for commercial purposes without the knowledge or approval of the Red Lake Fisheries Association, in violation of the Code of Federal Regulations.

7. Defendants SUMNER and HOLTHUSEN would and did sell these unlawfully acquired fish to defendant BELLEFY, who would re-sell them to other individuals known and unknown to the Grand Jury.

COUNT 1

(Transportation, Sale and Purchase of Fish Taken in Violation of United States Regulation)

8. The Grand Jury hereby re-alleges and incorporates paragraphs 1 through 7 of this Indictment as if stated in full herein.

9. Between in or about July, 2009 and July, 2011, in the State and District of Minnesota, the defendant,

LARRY W. BELLEFY,

did knowingly engage in conduct that involved the sale and purchase of fish with a market value in excess of \$350.00, that is: fish that were taken from Red Lake for commercial purposes without the knowledge or approval of the Red Lake Fisheries Association, and did knowingly transport, receive, acquire and purchase said fish knowing that said fish

U.S. v. Larry W. Bellefy, et al.

were taken, possessed, transported and sold in violation of and in a manner unlawful under the laws of regulations of the United States, specifically, Title 25, Code of Federal Regulations, Sections 242.2 and 242.4.

All in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1).

COUNT 2

(Transportation, Sale and Purchase of Fish Taken in Violation of United States Regulation)

10. The Grand Jury hereby re-alleges and incorporates paragraphs 1 through 7 of this Indictment as if stated in full herein.

11. Between in or about July, 2009 and July, 2011, in the State and District of Minnesota, the defendants,

**THOMAS P. SUMNER, and
BRIAN W. HOLTHUSEN,**

did knowingly engage in conduct that involved the sale and purchase of fish with a market value in excess of \$350.00, that is: fish that were taken from Red Lake for commercial purposes without the knowledge or approval of the Red Lake Fisheries Association, and did knowingly transport, receive, acquire and purchase said fish knowing that said fish were taken, possessed, transported and sold in violation of and in a manner unlawful under the laws of regulations of the United States, specifically, Title 25, Code of Federal Regulations, Sections 242.2 and 242.4.

All in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1).

Forfeiture Allegations

Counts 1 and 2 of this Indictment are realleged and incorporated as if fully set forth

U.S. v. Larry W. Bellefy, et al.

for the purpose of alleging criminal forfeitures pursuant to Title 16, United States Code, Section 3374 and Title 28, United States Code, Section 2461(c).

As a result of the foregoing offenses, the defendants shall forfeit to the United States pursuant to Title 16, United States Code, Section 3374 and Title 28, United States Code, Section 2461(c):

1. all fish or wildlife or plants imported, exported, transported, sold, received, acquired or purchased contrary to the provisions of Title 16, United States Code, Section 3372(a), or any regulation issued pursuant thereto, and
2. all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife or plants in a felony violation of Title 16, United States Code, Section 3372(a), which violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife or plants.

If any of the above-described property is unavailable for forfeiture for any of the reasons set forth in Title 21, United States Code, Section 853(p), then the United States intends to seek the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON